

# VILLAGE OF WESTMONT PLANNING AND ZONING COMMISSION AGENDA ITEM

MEETING DATE: June 08, 2016

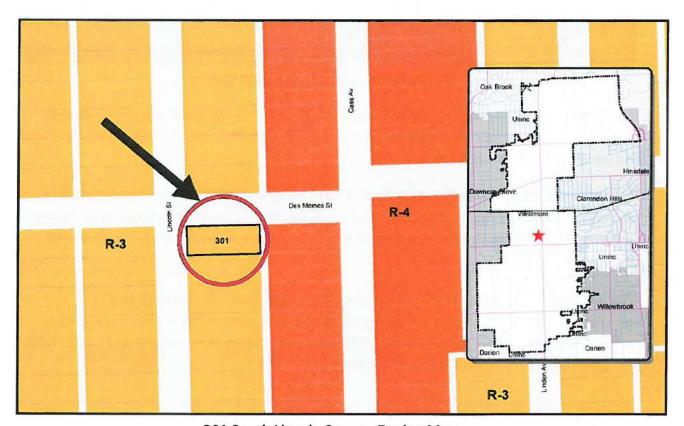
P/Z 16-012

TITLE: Stanley T. Bales, Jr. regarding the property located at 301 South Lincoln Street, Westmont, IL 60559 for the following:

(A) Zoning Code Variance Request to allow new home construction within a required side yard adjoining a street setback in the R-3 Single Family Detached Residence District.

#### **BACKGROUND OF ITEM**

The subject lot is located on the southeast corner of the intersection of Lincoln Street and Des Moines Streets. Also known as Lot 20 in Block 28 of the Arthur T. Mcintosh and Company subdivision, the lot is approximately 60' x 150' and is approximately 9,000 square feet or 0.21 acres.



301 South Lincoln Street - Zoning Map

The property is zoned R-3 Single Family Detached Residential District, as are the adjacent properties to the north, south, and west. Property to the east along South Cass Avenue is multi-family residential and zoned R-4 General Residence District.



301 South Lincoln Street -Aerial Map

The previous home on the property suffered a fire in August of 2015 and was demolished in February of 2016, along with the existing garage on the property. The site has remained vacant and securely fenced since the demolition.

The petitioner had submitted plans in April of 2016 for a replacement single family detached residence that met all required setbacks, but it was found that the existing home immediately to the south was in too close a proximity to meet a 10' distance separation between the two structures.

After discussion with staff, proposed remedies for the petitioner to move forward in construction included revising the building plans to create a smaller floor plan, requesting a waiver to the building permit regulations through Village Board, or requesting a variance to the side yard setbacks (side yard adjoining a street).

Weighing all options, the petitioner requests a variance from the minimum side yard adjoining a street setback so that the home may be shifted with existing plans to accommodate the 10' building separation requirement.

#### **ZONING ANALYSIS**

The proposed construction is permitted in the R-3 Single Family Detached Residence zoning district and matches the character of the surrounding neighborhood.

Minimum setbacks for the district are defined in Appendix "A", Section 6.04 - Bulk and development standards in residence districts. A summary of requirements and requested density variances are discussed below.



301 South Lincoln Street

#### Setback summary for variance request

As a corner property, required side yard setbacks are 5' to the interior side yard, and 25' to the side yard adjoining a street. Initially, the floor plan of the proposed house showed a footprint to these required setbacks. It was found through surveys that the house to the south of the property sits 3.74' from the property line, resulting in a distance between the two homes to be 8.74', or 2.26' deficient of a 10' required separation distance (per the building code). As a remedy, the new home would be constructed with a 6.5' setback to the interior lot, which would create a 10.24' separation distance. This pushes the entire home 1.5' to the north into the required 25' setback.

Sec. 6.04. - Bulk and development standards in residence districts.

R-3 District	Minimum Side Yard Adjoining a Street	Requested Setback
Single-family detached dwelling	25′	23.5′
Variance Requested:		1.5' encroachment variance



Adjacent home seen in background

The previous home and garage have been demolished due to the fire damage, but staff does note that the previous home was setback only 19.29' to the side street. Although not relevant as a legal non-conforming setback, the variance request for the new construction does show a significant improvement to prior site conditions.

In the neighborhood context, multiple homes in the immediate vicinity show existing setbacks of less than the 25' minimum, including 237 South Lincoln Street to the immediate north, which has a setback of approximately 10' to the street.

#### SUMMARY

The applicant requests a variance for relief from the minimum setbacks for a side yard adjoining a street to construct a new single family detached residence in the R-3 District.

#### **DOCUMENTS ATTACHED**

- 1. Public notice as published in the May 25, 2016 edition of the Westmont Progress.
- 2. Application for variance, with associated application materials, dated May 11, 2016.
  - a. Plat of Survey, prepared by Associated Surveying Group, dated October 08, 2005.
  - Building Plan and Elevations, prepared by J Stanulis Architects, dated May 10, 2016.
  - c. Site Plan, prepared by BCI, Inc., dated May 16, 2016.

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#### LEGAL NOTICE / PUBLIC NOTICE VILLAGE OF WESTMONT PLANNING AND ZONING COMMISSION AGENDA

The Village of Westmont Planning and Zoning Commission will hold its regular meeting on Wednesday, June 08, 2016 at 7:00 P.M., at the Westmont Village Hall, 31 West Quincy Street, Westmont, IL 60559

Call to Order

Roll Call 2.

Pledge of Allegiance 3. 4.

Swearing-in of testifying attendees and reminder to sign in

Reminder to silence all electronic devices

Approval of Minutes of the May 11, 2018 meeting

Open Hearing

**Hew Business** 

PZ 16-012 Stanley T. Baies, Jr. regarding the property located at 301 South Lincoln Street, Westmont, IL 60559 for the following:

Zoning Code Variance Request to allow new home construction within a required side yard adjoining a street setback in the R-3 Single Family Detached Residence District.

PZ 16-013 Westmont B imports, inc. regarding the property located at 420 and 430 East Opden Avenue, a portion of Westmont Drive, 645, 650 and 651 Westmont Drive, and 415 Plaza Drive, Westmont, IL 60559 for the following:

Special Use Permit request to operate an automotive dealership in the B-2 General Business District.

Zoning Code Variance request to allow parking within the front yard setback

Zoning Code Variance Request to increase the allowed height in the B-2 General Business District for the purpose of constructing a rooflop parking deck for an automobile dealership

Preliminary Plat of Vacation for Westmont Drive.

Preliminary Plat of Consolidation.

Site and Landscaping Plan approval.

Adjourn

Note: Any person who has a disability requiring a reasonable accommodation to participate in the meeting should contact the Village of Westmont, Illinois, 60559 between 8:00 A.M. to 4:00 P.M. Monday through Friday, or telephone (630) 981-6210 voice, or (630) 981-6300 TDD, within a reasonable time before the meeting.

All interested persons in attendance will be allowed to express their views.

#### WESTMONT PLANNING AND ZONING COMMISSION **Ed Richard Chairperson**

May 25, 2016 Westmont Suburban Life 1190994

PUBLIC NOTICES

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#### LEGAL NOTICE / PUBLIC NOTICE VILLAGE OF WESTMONT PLANNING AND ZONING COMMISSION NOTICE OF PUBLICATION

NOTICE IS HEREBY GIVEN that a public hearing has been scheduled before the Westmont Planning and Zoning Commission to be held on Wednesday, June 08, 20

The purpose of the hearing is to consider a request from Stanley T. Bales, Jr. regarding the properly located at 301 South Lincoln Street, Westmont, IL 60559 for the following:

(A) Zoning Code Variance Request to allow new home construction within a required side yard adjoining a street setback in the R-3 Single Family Detached Residence District. Legal Description:

LOT 20 IN BLOCK 28 IN WESTMONT, BEING A SUBDIVISION BY ARTHUR T. MCINTOSH & CO. OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

More Common Location: 301 South Lincoln Street, Westmont, IL 60559

09-09-428-001 Village Code(s) Applicable: Appendix "A", Section 6.04 (F) (1)

Appendix 'A", Section 13.07 Note: Any person who has a disability requiring a reasonable accommodation to participate in the meeting should contact the Village of Westmont, Illinois, 60559 between 8:00 A.M. to 4:00 P.M. Monday through Friday, or telephone (630) 981-6210 voice, or (630) 981-6300 TDD, within a reasonable time before the meeting.

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#### WESTMONT PLANNING AND ZONING COMMISSION Ed Richard Chairperson

May 25, 2016 Westmont Suburban Life 1190956

#### LEGAL MOTICE / PUBLIC NOTICE **VILLAGE OF WESTMONT** PLANNING AND ZONING COMMISSION NOTICE OF PUBLICATION

NOTICE IS HEREBY GIVEN that a public hearing has been scheduled before the Westmont Planning and Zoning Commission to be held on Wednesday, June 08, 2016 at 7:00 P.M. in the Westmont Village Hall, 31 W. Quincy St., Westmont, Illinois 60559.

The purpose of the hearing is to consider a request from Westmont B Imports, Inc. regarding the property located at 420 and 430 East Ogden Avenue, a portion of Westmont Drive, 645, 650 and 651 Westmont Drive, and 415 Plaza Drive, Westmont, IL 60559 for the following:

Special Use Permit request to operate an automotive dealership in the B-2 General Business District.

Zoning Code Variance request to allow parking within the front yard setback.

(C) Zoning Code Variance Request to increase the allowed height in the B-2 General Busi District for the purpose of constructing a rooflop parking deck for an automobile dealership. Zoning Code Variance Request to increase the allowed height in the B-2 General Business

(D) Preliminary Plot of Vacation for Westmont Drive.

Preliminary Plat of Consolidation.

(F) Site and Landscaping Plan approval.

PARCEL 1 (651 Westmont Drive):

THE WEST 180.00 FEET (AS MEASURED ALONG THE SOUTH AND NORTH LINES THEREOF) OF LOT 19 IN OAKWOOD INDUSTRIAL PLAZA, UNIT NO. 2, BEING A SUBDIVISION IN THE NORTH HALF OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 17, 1972 AS DOCUMENT R72-26017, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2 (430 East Ogden Avenue & 645 Westmont Drive): TRACT 1 OF LAUREL ASSESS-MENT PLAT, BEING A PART OF THE NORTH HALF OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 22, 1991 AS DOCUMENT R91-060354, IN DUPAGE COUNTY, ILLINOIS. PARCEL 1 (650 Westmont Drive): LOT 1 IN J. KRAMER'S RESUBDIVISION, BEING A RESUBDI-VISION OF LOTS 13 AND 14, EXCEPT THE NORTH 210.0 FEET OF SAID LOT 13, IN OAK-WOOD INDUSTRIAL PLAZA UNIT NO. 2, BEING A SUBDIVISION IN SECTION 3, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 18, 1984 AS DOCUMENT R84-55934, IN DUPAGE COUNTY, ILLI-

PARCEL 2 (415 Plaza Drive): THE EAST 106.00 FEET OF THE WEST 206.00 FEET OF THE NORTH 210.00 FEET OF LOT 13 IN OAKWOOD INDUSTRIAL PLAZA UNIT NO. TWO, A SUBDIVI-SION IN THE NORTH 1/2 OF SECTION 3, TOWNSHIP 38 NORTH, RANGE II, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 17, 1972, AS DOCUMENT R72-26017, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3 (429 East Ogden Avenue): THE EAST 200 FEET OF LOT 15 IN OAKWOOD INDUS-TRIAL PLAZA UNIT NUMBER 2 BEING A SUBDIVISION OF THE NORTH 1/2 OF SECTION 3 TOWNSHIP 38 NORTH RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED MAY 17, 1972 AS DOCUMENT R72-26017, IN DUPAGE COUNTY, ILLINOIS.

PINs: 09-03-206-007, 09-03-206-011, 09-03-206-014, 09-03-207-011, 09-03-207-018

More Common Location: 420 and 430 East Ogden Avenue, 645, 650 and 651 Westmont Drive, Westmont Drive, and 415 Plaza Drive, Westmont, IL 60559

Village Code(s) Applicable: Appendix A, Section 4.05 (E) (22) Appendix A, Section 4.16 (C) (7)

Appendix A, Section 7.02(E) Appendix A, Section 7.03 (A)(8)(d) Appendix A, Section 7.05(D) Appendix A, Section 10.06 (G) Appendix A. Section 13.07

Appendix A, Section 13.09 Appendix B Note:

Any person who has a disability requiring a reasonable accommodation to participate in the meeting should contact the Village of Westmont, Illinois, 60559 between 8:00 A.M. to 4:00 P.M. Monday through Friday, or telephone (630) 981-6210 voice, or (630) 981-6300 TDD, within a reasonable time before the meeting.

All interested persons in attendance will be allowed to express their views.

#### WESTMONT PLANNING AND ZONING COMMISSION Ed Richard Chalrperson

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May 25, 2016 Westmont Suburban Life 1190971

#### LEGAL NOTICE / PUBLIC NOTICE

Time and Place of Opening Bids. Sealed proposals for the item described herein will be received at the Downers Grove Sanitary District, 2710 Curtiss Street, Downers Grove, Illinois 60515, until 10:00 a.m., Wednesday, June 15, 2016, and at that time will be publicly opened and read.

Precises 343, Julie 3, 2016, and at that time will be publicly opened and read.

Description of Work. The proposed work consists of providing digester mixing equipment for Anaerobic Digester #1 at the District?s Wastewater Treatment Center.

Instructions to Bidders. Specifications and proposal forms may be obtained from Jeff Barta, Maintenance Supervisor, at the Downers Grove Sanitary District, 2710 Curtiss Street, Downers Grove, IL 60515, Tele phone: (630) 969-0664.

Rejection of Bids. The Downers Grove Sanitary District reserves the right to reject any and all proposals and to waive technicalities.

Downers Grove Suburban Life 1191037

### Variance Request R3 Zoning

Re: 301 S. Lincoln St.

R.E. Index # 09-09-428-001

May 04, 2016

#### Community Development Department,

My name is Stanley Bales; some of you may know me from the Hardware store here in town. I am not sure if all of you are aware of the fire that occurred at my home at 301 S. Lincoln St. in August 2015. A minor child that had been arrested and convicted of arson for unknown reasons set it on fire.

I am pleading to the Board Members and the Building and Zoning Department. Since the fire in August, I have diligently been progressing forward with the processes of rebuilding. I have suffered delays in the process, from the civil engineering, sanitary district, etc. All of these delays have been out of my control. I was finally able to submit my building permits on April 13, 2016. During the first review, I was made aware of a recent discovery. The neighbor to the south of my home does not have the 5-ft. setback required. I am 15" short of the fire code to have 10 ft. between us. Since this is a corner lot that is 60 ft. x 150 ft., the architect designed the home to be 30 ft. wide. Giving a 5-ft. easement to the south and a 25-ft. setback on the North and West sides. My home will have sprinklers, but since the neighboring does not, I will be applying for a set back variance.

In order to be compliant with the Fire Ordinance, I would require a **maximum** side yard set back of 23.74' I believe it would be in the best interest to make the side yard set back no greater than 23.5'. This should yield an approximate distance of 10.3' between the homes. The previous home prior to demolition had a side yard set back of 19.29' from the North.

Thank You for your consideration, Sincerely, Stan Bales

## Variance Request R3 Zoning

Finding of Fact for Variations Re: 301 S. Lincoln St. R.E. Index # 09-09-428-001

May 04, 2016

#### Community Development Department,

The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; Because the current fire code requires 10' between structures.

The plight of the owner is due to unique circumstances; The neighboring home to the South does not have the appropriate side yard set back of 5' not allowing for the 10' between the homes to meet current fire code.

The variation, if granted, will not alter the essential character of the locality; This area of the subdivision is one of the original. Many, if not all of the surrounding homes currently have side yard set backs that are much less than the proposed. Character of the locality will not be altered.

Thank You, Stanley Bales Property Owner

# VILLAGE OF WESTMONT PLANNING AND ZONING COMMISSION FINDINGS OF FACT

#### **PUBLIC HEARING OF JUNE 8, 2016**

P/Z 16-012 - Stanley Bales, regarding 301 S. Lincoln Street, Westmont

Request for a variance to allow for the construction of a new home which encroaches into the required side yard adjoining a street in the R-3 Single Family Detached Residence District.

CRITERIA NO. 1: The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.

**FINDINGS OF FACT:** The Applicant faces a hardship that is not self-created. An adjacent home to the south contains a non-conforming interior side yard setback of 3.74 feet. If the Applicant were to build the proposed home at the allowed interior side yard setback of 5 feet, the home would violate the 10 foot building separation requirement. In order to maintain this building separation requirement and yield a reasonable return, the Applicant has repositioned this proposed house to the north and seeks this variance to allow a minor encroachment into the side yard setback adjoining a street.

CRITERIA NO. 2: The plight of the owner is due to unique circumstances.

**FINDINGS OF FACT:** The hardship in this case is created by the non-conforming house to the south. The previous house on the subject property contained a corner side yard setback of 19.29 feet, and the proposed new home will lessen this setback encroachment to 23.5 feet.

CRITERIA NO. 3: The variation, if granted, will not alter the essential character of the locality.

**FINDINGS OF FACT:** The proposed side yard encroachment is minimal and consistent with the setbacks of other houses in the area which are located on corner lots. This variance, if approved, will be consistent with the character of the surrounding area.

The Planning and Zoning Commission agrees with the above findings.

The Planning and Zoning Commission does not agree with the above findings.

# Associated Surveying Group, P.C.

Illinois Prof. Design Firm No. 184-003013

P.O. Box 810

Bolingbrook, IL 60440 FAX: 630-759-9291

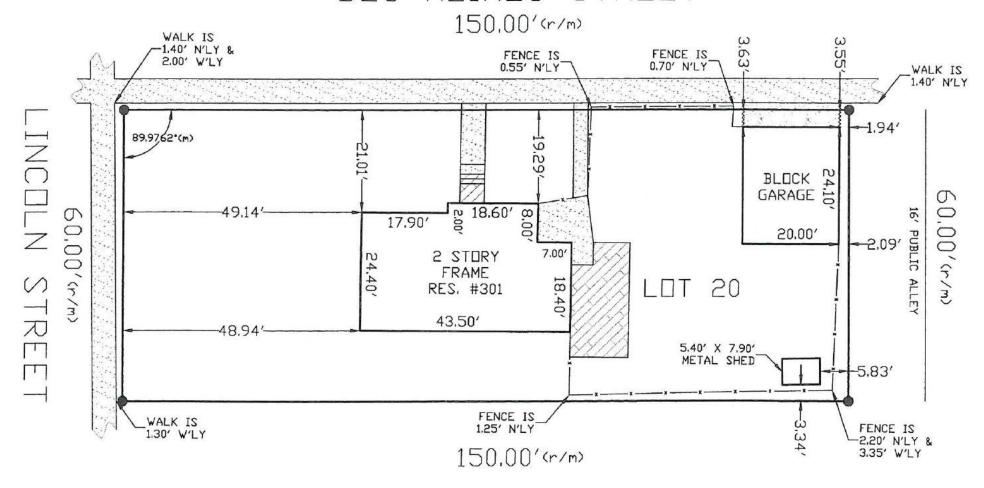
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# PLAT OF SURVEY

LOT 20 IN BLOCK 28 IN WESTMONT, BEING A SUBDIVISION BY ARTHUR T. MCINTOSH & COMPANY OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

# DES MOINES STREET



LAND SURVEYOR STATE OF ILLINOIS

State of Illinios County of Will SS

Dated, this

I, Michael G. Herwy, an Illinios Professional Land Surveyor, do hereby certify that "This professional service conforms to the current Illinois minimum standards for a boundary survey", and that the Plat hereon drawn is a correct representation of said survey.

**DECEMBER** 

Illinois Professional Land Surveyor No. 35-002900

License Expires: November 30, 2006

, A.D., 2005, at Bolingbrook, IL.

**OCTOBER 8, 2005** FIELDWORK DATE:

**SPERLING** 

CLIENT:

61471-05 JOB NO.:

NOTES:

1. COMPARE THE LEGAL DESCRIPTION ON THIS PLAT WITH YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE; ALSO, COMPARE ALL FIELD MEASURED LOT CORNERS & BUILDING TIES WITH THIS PLAT BEFORE CONSTRUCTION AND REPORT ANY DIFFERENCE AT ONCE.

2. BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO DEPICTED ON THE RECORDED SUBDIVISION PLAT. REFER TO YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE FOR ADDITIONAL ENCUMBRANCES.

3. MEASURED LOT DIMENSIONS ARE SHOWN ONLY WHEN THEY DIFFER FROM RECORD DIMENSIONS BY 0.15 FEET OR MORE.

4. CURVED LINES DENOTED WITH ARC LENGTHS UNLESS OTHERWISE NOTED. ALSO, ALL ARCS ARE TANGENT.

REBAR/ROD NOTCH CHAIN LINK FENCE WOOD FENCE ALL OTHER FENCE TYPES ABBREVIATIONS; A = ARC LENGTH R = RADIUS N'LY = NORTHERLY S'LY = SOUTHERLY CH = CHORD LENGTH E'LY = EASTERLY (r) = RECORD VALUE W'LY = WESTERLY

TYP = TYPICAL

CONCRETE

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LEGEND:

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(m) = MEASURED VALUE

P.U.D. = PUBLIC UTILTTY & DRAINAGE EASEMENT





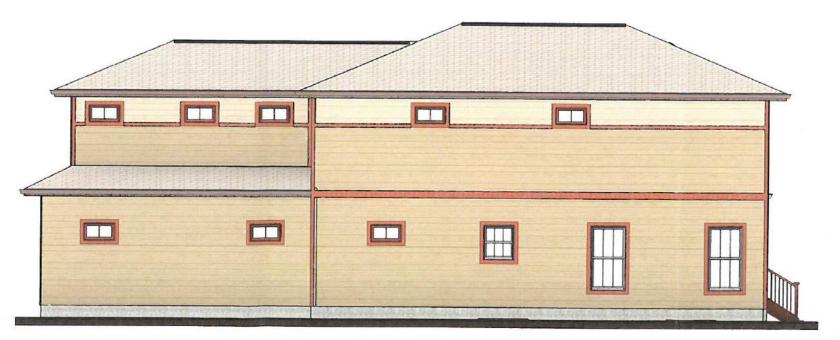
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1/8" = 1'-0"



North Elevation Copy 1
1/8" = 1'-0"



West Elevation Copy 1
1/8" = 1'-0"



South Elevation Copy 1

1/8" = 1'-0"

OWNER.

Stan Bales

AHCHITEGI

J Stanulis Architects

125 West 61st. Street Westmont, IL 60559

Ph: 773.203.4544 jeremy@jstanulis.com

PROJECT DESCRIPTION: 301 S Lincoln St

Westmont, IL 60559

SHEET TITLE

SHEET:

Proposed Elevations

SCALE:

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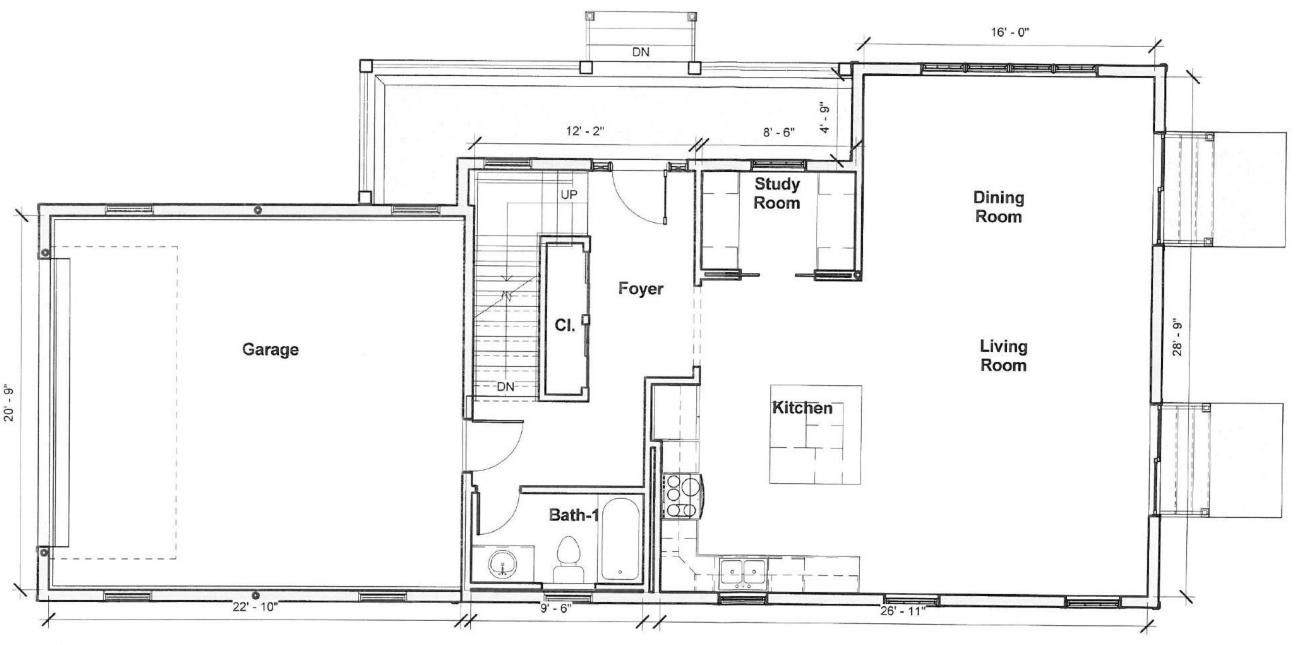
1/8" = 1'-0"

05/10/16

ARCHITECT:

J Stanulis Architects

125 West 61st. Street Westmont, IL 60559 Ph: 773.203.4544 jeremy@jstanulis.com



01 - First Floor - Presentation 3/16" = 1'-0" OWNER:

Stan Bales

PROJECT DESCRIPTION: 301 S Lincoln St Westmont, IL 60559

SHEET TITLE:

Proposed First Floor

SCALE: 3/16" = 1".0"

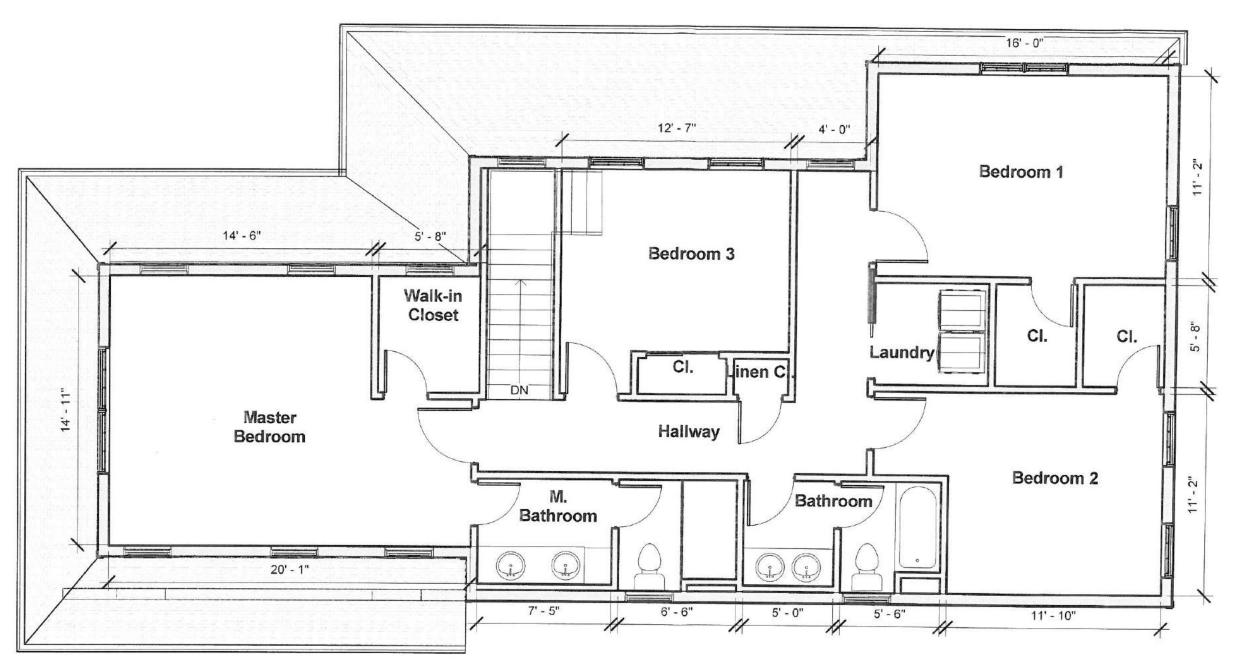
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05/10/16

J Stanulis Architects

125 West 61st. Street Westmont, IL 60559 Ph: 773.203.4544 jeremy@jstanulis.com



1 02 - Second Floor - Presentation 3/16" = 1'-0"

OWNER: Stan Bales

PROJECT DESCRIPTION: 301 S Lincoln St Westmont, IL 60559

SHEET TITLE:

Proposed Second Floor

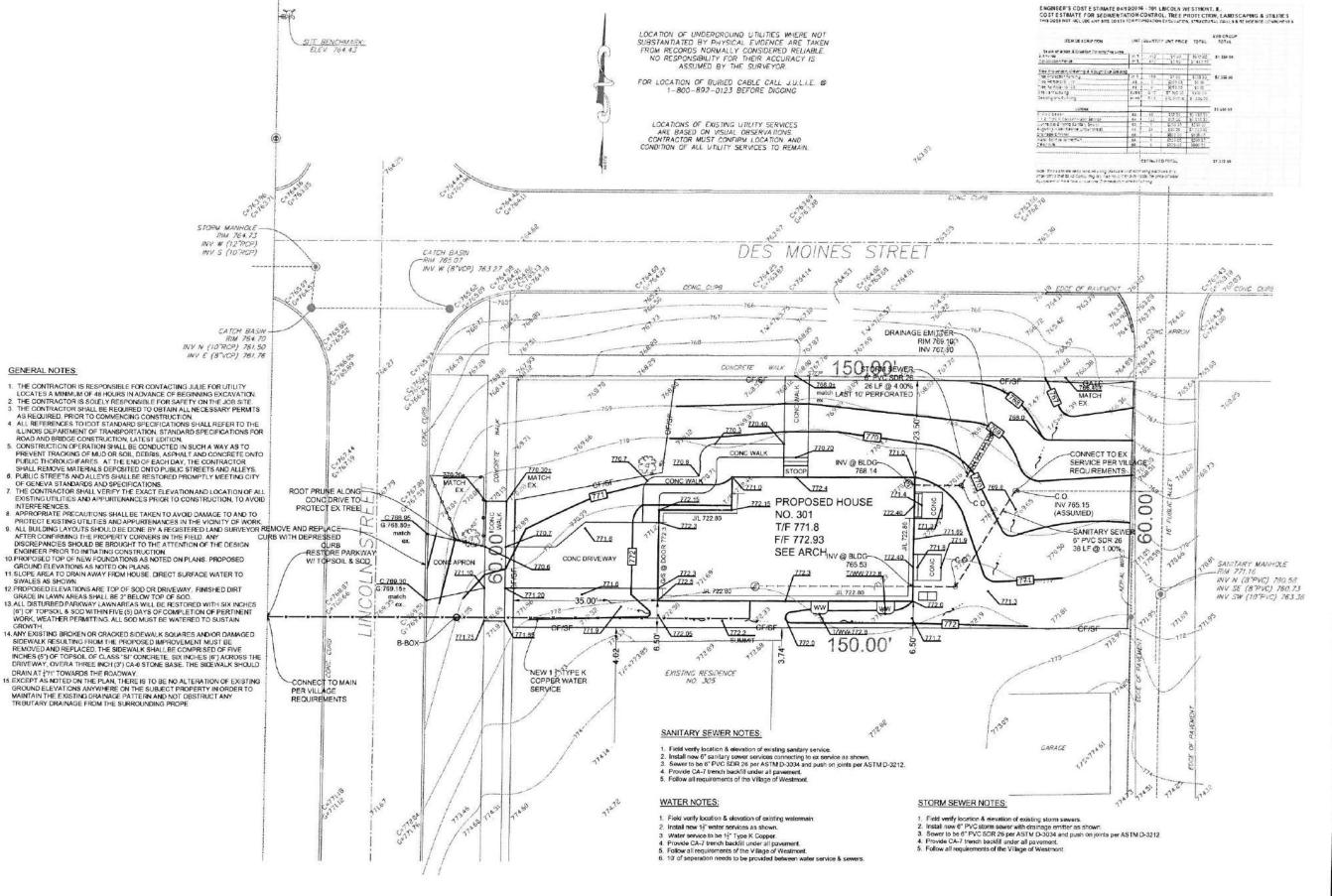
SCALE:

DATE: 05/1-

SHEET:

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3/16" = 1"-0"



FAX BONO CO 710 EAST OCDEN AVE., NAPERVILLE, IL 60563 DESIGN FIRM NO. 184,09 60559 =E FAMILY RESIDENCE STREET, WESTMONT, SITE PLAN NEW SINGLE F SOUTH LINCOLN ST BOJECT NO.:

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BASE FILE: SHEET FILE: SSUE DATE: March 8: 2011

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